

REMARKS

Applicants thank the Examiner for the detailed Office Action dated July 2, 2004. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-14 were pending in the application.

Claims 1-14 are requested to be cancelled without prejudice or disclaimer.

Claims 15-45 are being added.

After amending the claims as set forth above, claims 15-45 are now pending in this application.

Objection to the Declaration

On page 2 of the Office Action, the oath or declaration was objected to for being defective because inventor Mascia failed to sign it. Applicants note that two copies of the same Declaration were filed with the Patent Office on May 30, 2002 in response to a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). One copy of the Declaration was executed by Francesco Mascia and the other copy of the Declaration was executed by Franca Arrighi. A copy of the Declaration executed by Francesco Mascia is enclosed with this Amendment. Accordingly, Applicants respectfully request that the objection be withdrawn.

Objections to the Specification

On page 2 of the Office Action, the specification was objected to for containing a number of spelling errors and for referring to the claims. Applicants have amended the specification to remedy the spelling errors. Applicants have also amended the specification to insert the text from the claims to replace the references to the claims.

Objections to the Claims – Multiple Dependency

On page 2 of the Office Action, claims 4-7, 13, and 14 were object to for being in improper multiple dependent form. Applicants have canceled these claims and added new claims which have the proper dependencies. Applicants respectfully request that this objection be withdrawn.

Claim Rejections – 35 U.S.C. § 112 ¶2

On page 3 of the Office Action, claims 1-3 and 8-10 were rejected under 35 U.S.C. § 112 ¶2 as being unpatentable for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the term “precursors” was rejected because one of ordinary skill in the art would have to know any and all possible materials that could be used to produce the desired materials. Also, the use of “unsaturated compound” was rejected as being unclear because some of the compounds recited may be saturated. Further, the use of the term “known in the art” was rejected as being unclear because the art changes over time.

Applicants note that the terms “known in the art” and “unsaturated” are not used in the newly added claims. The term “precursors” is used in the claims to refer to precursors of polybutadiene-based polyurethanes. The specification at page 4, lines 17-19, as amended for clarity and not substance, states that “[p]recursors of the polybutadiene-polyurethanes refer herein to functionalized polybutadienes with terminal groups selected from –NCO, –OH, –COOH.” Thus, the use of the term precursors in the claims is not indefinite. Applicants submit that the claims particularly point out and distinctly claim the subject matter in compliance with 35 U.S.C. § 112 ¶2. Accordingly, the rejection has been overcome.

Claim Rejections – 35 U.S.C. § 102

On page 4 of the Office Action, claims 1, 3, and 8 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,948,840 (“Berta”) and European Patent No. 0 947 541 (“Mayumi et al.”). Claims 1-3, and 8-10 were rejected under 35 U.S.C. §

102(b) as being unpatentable over Japanese Publication No. 08-020678 (“Koji et al.”).

Applicants respectfully traverse the rejection. None of the cited references identically disclose Applicants’ invention as claimed.

Claims 1-14 have been cancelled. New independent claims 15, 21, 24, 27, 35, 38, and 43 have been added. Berta describes a “dynamically partially cured thermoplastic elastomer comprising a propylene polymer material, an amorphous ethylene-propylene copolymer rubber, a semi-crystalline, low density, essentially linear ethylene-propylene copolymer and a curing system containing 1,2-polybutadiene and an organic peroxide and a method of making the same.” (abstract). Mayumi et al. describes a “polyolefin thermoplastic elastomer . . . which is excellent in oil resistance as well as in sheet formability, thermoformability, resistance to low temperature embrittlement and other properties.” (abstract). Koji et al. describes a “a resin composition obtained by compounding 100 pts.wt. of olefin polymer containing 15-80 wt.% of an elastomer component with 0.1-30 pts.wt. of a modified polyhydroxyhydrocarbon polymer.” (abstract).

New claims 15, 21, 24, 27, 35, and 43 recite polyolefin-based thermoplastic polymer formulations and processes and compositions for making the same which include cellulose. The polymer content of the formulations and compositions is similar to the claims as originally presented. Neither Berta, Mayumi et al., nor Koji et al. identically disclose the formulations and compositions which include cellulose and the recited polymer content. Accordingly, Applicants respectfully submit that these claims are allowable.

New claim 38 recites a “polyolefin-based thermoplastic polymer formulation” comprising “a polymer content” including, *inter alia*, “10-80 wt. % of one or more polypropylene,” “10-85 wt. % of EP(D)M rubber **which is oil extended 30-60 wt. %,**” and “0.5-60 wt. % **of a polybutadiene-based polyurethane and/or its precursors and at least one of** an ethylene-vinyl acetate copolymer, an ethylene-vinyl acetate terpolymer, NBR, an ethylene-acrylic ester copolymer, an ethylene-acrylic ester terpolymer, or mixtures thereof,” which is not identically disclosed in the cited references. Koji et al. does not disclose, among other things, the use of oil extended EP(D)M rubber and neither Mayumi et al. nor Berta disclose, among other things, using “polybutadiene-based polyurethane and/or its precursors.”

Since the term "precursors" is defined in the specification as functionalized polybutadienes with terminal groups selected from -NCO, -OH, -COOH., the polybutadiene referenced in Berta is not a polybutadiene precursor.

* * *

The Applicants respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. The Applicants request reconsideration and allowance of pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date Dec 2, 2004

By Scott C. Nielson

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5718
Facsimile: (414) 297-4900

Scott C. Nielson
Attorney for Applicant
Registration No. 50,755